

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

JOEL A. ACKERMAN

XCA 135476-1/kb

ZUCKER, GOLDBERG & ACKERMAN, LLC

Attorneys for Secured Creditor

GMAC MORTGAGE LLC AS SERVICER FOR Citibank, NA as  
trustee of 2007-SV1

200 Sheffield Street, Suite 301

P.O. Box 1024

Mountainside, New Jersey 07092-0024

1-908-233-8500

In Re:

Johnny R Fortunato and Rosa T Fortunato



Case No.: 09-43208-NLW

Adv. No.:

Hearing Date: February 25, 2010

Judge: Novalyn L. Winfield

**ORDER RESOLVING DEBTOR'S MOTION TO  
CRAM DOWN LIEN OF SECURED CREDITOR**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby  
**ORDERED**

**DATED: 03/08/2010**

  
\_\_\_\_\_  
Honorable Novalyn L. Winfield  
United States Bankruptcy Judge

Page 2

Debtor: Johnny R Fortunato and Rosa T Fortunato

Case No. 09-43208-NLW

Caption of Order: **ORDER RESOLVING DEBTOR'S MOTION TO CRAM DOWN LIEN OF SECURED CREDITOR**

This matter having been brought before the Court by, Michael G. Boyd, appearing, upon a motion to cram down lien of secured creditor as to real property located at 63 Chelsea Court, Saddle Brook, New Jersey, 07663, and it appearing that notice of said motion was properly served upon all parties concerned and this Court having considered the representation Zucker, Goldberg & Ackerman, LLC, attorneys for Secured Creditor, GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1, Joel A. Ackerman, and for good cause having been shown;

It is **ORDERED ADJUDGED** and **DECREED** this Stipulation will provide that GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1's lien will only be stripped upon the Debtor's receipt of his discharge and completion of his Chapter 13 Plan. Any dismissal of the case or conversion to a Chapter 7 will result in a full reinstatement of GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1's lien; and

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** that the lien shall be released and extinguished upon the successful completion of the Debtor's Chapter 13 plan; and

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** that GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1 shall file a release of the lien with the recorder of deeds in the county of Bergen for mortgage dated November 3, 2005 and recorded November 19, 2005 in Book 815185 at page 290 within 30 days of the date of the service of debtor's discharge; and

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** that in the event GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1 fails to discharge the mortgage within the prescribed period, the debtors and/or debtors' counsel may record with the

Page 3

Debtor: Johnny R Fortunato and Rosa T Fortunato

Case No. 09-43208-NLW

Caption of Order: **ORDER RESOLVING DEBTOR'S MOTION TO CRAM DOWN LIEN OF SECURED CREDITOR**

recorder of deeds a certified or exemplified copy of this order, along with a copy of the bankruptcy discharge order, which shall have the same force and effect of a discharge of mortgage.

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** that GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1, shall have an unsecured claim in the amount listed on its Proof of Claim; and

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** the Debtor retains the right to object to GMAC Mortgage LLC AS SERVICER FOR Citibank, NA as trustee of 2007-SV1's claim, and

It is **FURTHER ORDERED, ADJUDGED** and **DECREED** that the Debtor comply with the disclosures set forth in 11 U.S.C. 521 (f).